

REZONING REPORT

▶ **FILE #:** 12-C-23-RZ **AGENDA ITEM #:** 17
 POSTPONEMENT(S): 12/14/2023 **AGENDA DATE:** 1/11/2024
 ▶ **APPLICANT:** JENKINS BUILDERS
 OWNER(S): Gerry L. Neely and Jenkins Builders

TAX ID NUMBER: 67 148 (PART OF) 67 147; 067 14801 [View map on KGIS](#)
 JURISDICTION: County Commission District 6
 STREET ADDRESS: 7311 7321, & 0 OLD CLINTON PIKE
 ▶ **LOCATION:** West side of Old Clinton Pike, north of Peddlebrook Way
 ▶ **APPX. SIZE OF TRACT:** 5.71 acres
 SECTOR PLAN: Northwest County
 GROWTH POLICY PLAN: Planned Growth Area
 ACCESSIBILITY: Access is via Old Clinton Pike, a minor collector with an 18-ft pavement width within a 60-ft right-of-way.
 UTILITIES: Water Source: Hallsdale-Powell Utility District
 Sewer Source: Hallsdale-Powell Utility District
 WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** A (Agricultural), RB (General Residential), PR (Planned Residential) up to 16 du/ac
 ▶ **ZONING REQUESTED:** PR (Planned Residential)
 ▶ **EXISTING LAND USE:** Single Family Residential, Rural Residential, Agriculture/Forestry/ Vacant Land
 ▶ **DENSITY PROPOSED:** up to 12 du/ac
 EXTENSION OF ZONE: No this is not an extension, since the PR zone to the south is zoned for 6 du/ac
 HISTORY OF ZONING: Part of the subject property was rezoned from A to PR up to 16 du/ac in 1987 (Case 6-H-87-RZ).
 SURROUNDING LAND USE AND ZONING: North: Multifamily residential - OB (Office, Medical & Related Services)
 South: Public parks - A (Agricultural), A (Agricultural)
 East: Multifamily residential, single family residential - PR (Planned Residential) up to 6 du/ac
 West: Multifamily residential - RB (General Residential)
 NEIGHBORHOOD CONTEXT: This property is in an area with a mix of uses. The north side of Clinton Highway is largely comprised of commercial uses in this area, while properties to the south contain multifamily communities and single family residential subdivisions.

STAFF RECOMMENDATION:

▶ **Approve the PR (Planned Residential) zone up to 12 du/ac because it is consistent with the sector plan and surrounding development.**

COMMENTS:

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6.30.01, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE COUNTY GENERALLY:

1. The subject property is roughly 1100 feet from Clinton Highway, which is a major commercial corridor. The corridor has undergone a transition towards commercial uses since the 1980s. Properties along Old Clinton Highway, where the subject parcel is located, have been developed with multifamily and single family residential uses, which began in the early 2000s. A grocery store was built across from the intersection of Old Clinton Pike and Clinton Highway in 2013.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The PR zone is intended to provide options for residential development compatible with the surrounding or adjacent zones. The surrounding area includes a mix of residential development types, including multifamily and single-family detached dwellings. The adjacent RB zone allows a density of up to 12 du/ac as a permitted use and there are multifamily developments in the immediate vicinity.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

- 1. Since the density proposed is similar to other zoning and development in the area, no adverse impacts are anticipated as a result of this rezoning.
- 2. The subject property consists of 3 different parcels and different zones. The proposed rezoning would establish one zone for the property and allow more cohesive development than separate zones across the parcels.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

- 1. The subject property is designated as the MDR (Medium Density Residential) land use classification in the Northwest County Sector Plan, which allows consideration of the PR zone with density up to 12 du/ac (above 12 du/ac if it meets certain criteria) in the Planned Growth Areas of the Growth Policy Plan.
- 2. The MU-SD, NWCO-11 (Clinton Highway/Old Clinton Pike) land use classification is on the north side of Clinton Highway very close to the subject property. The Northwest County Sector Plan describes this MU-SD as an extension of Powell Drive into this area spurring revitalization and redevelopment. Recommended uses for properties are consistent with the requested zone and density.
- 3. The requested rezoning is consistent with the General Plan's development policy 9.3, the intent of which is to ensure that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities.
- 4. The property is within the Planned Growth Boundary. The purposes of the Planned Growth Boundary designation are to encourage a reasonably compact pattern of development, promote the expansion of the Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to the provision of adequate roads, utilities, schools, drainage and other public facilities and services. The proposed development meets the relevant standards of the Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: 698 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 28 (public school children, grades K-12)

Schools affected by this proposal: Powell Elementary, Powell Middle, and Karns High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knox County Commission for action on 2/26/2024. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



Request to Postpone • Table • Withdraw

Jenkins Builders

12-1-23

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

12-14-23

Scheduled Meeting Date

12-C-23-RZ

File Number(s)

POSTPONE

POSTPONE: All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: 30 days 60 days 90 days

Postpone the above application(s) until the January 2024 Planning Commission Meeting.

WITHDRAW

WITHDRAW: Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

TABLE

**The refund check will be mailed to the original payee.*

TABLE: Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

By signing below, I certify I am the property owner, and/or the owners authorized representative.

[Signature]

Applicant Signature

David Harbin

Please Print

588-6472

Phone Number

harbin@bhn-p.com

Email

STAFF ONLY

No Fee

Staff Signature

Please Print

Date Paid

Eligible for Fee Refund? Yes No

Amount:

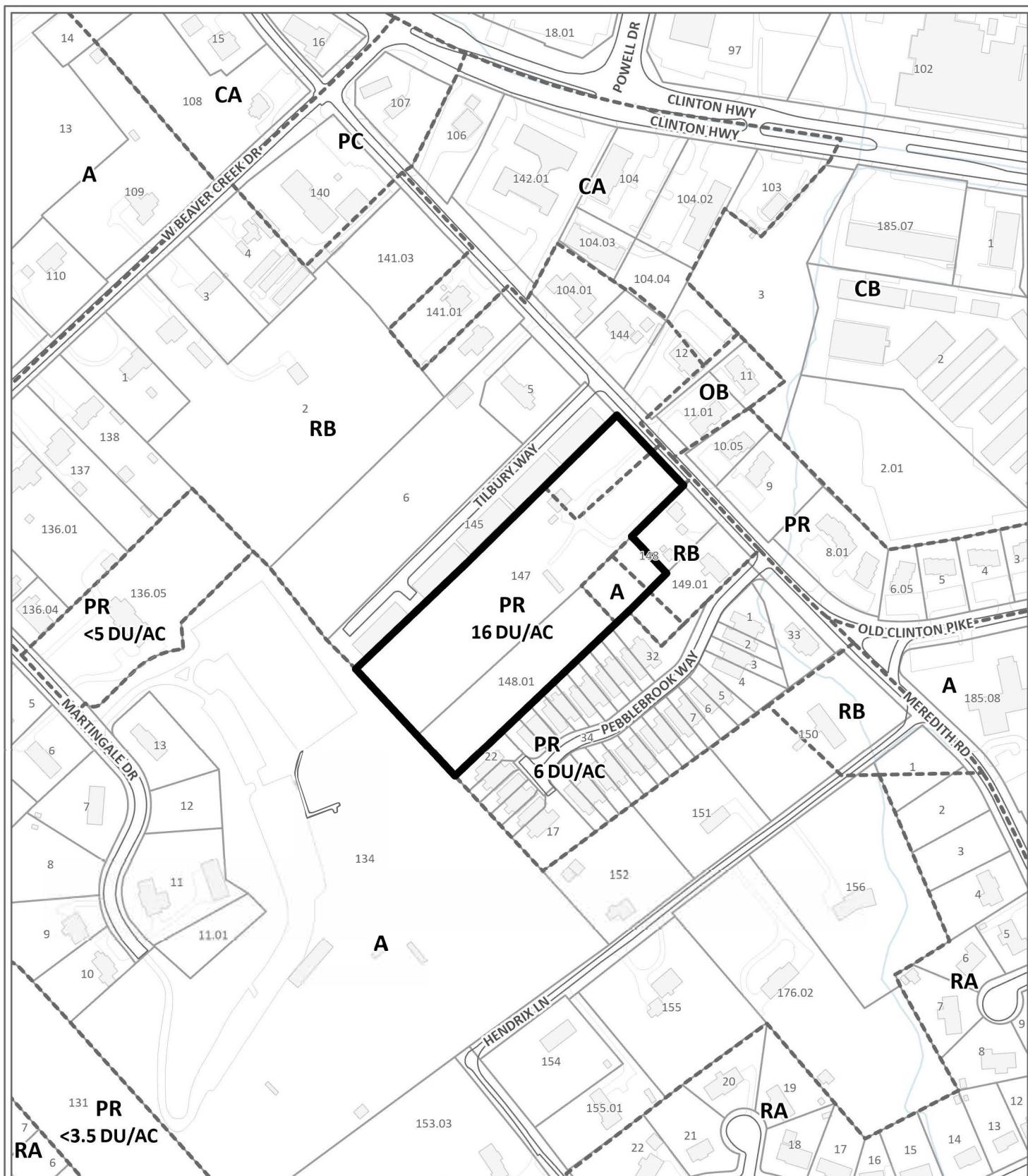
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



REZONING

12-C-23-RZ

Petitioner: Jenkins Builders



From: A (Agricultural) , RB (General Residential), PR (Planned Residential)

To: PR (Planned Residential) up to 12 du/ac

Map No: 67

Jurisdiction: County

Original Print Date: 12/7/2023

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

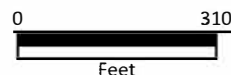
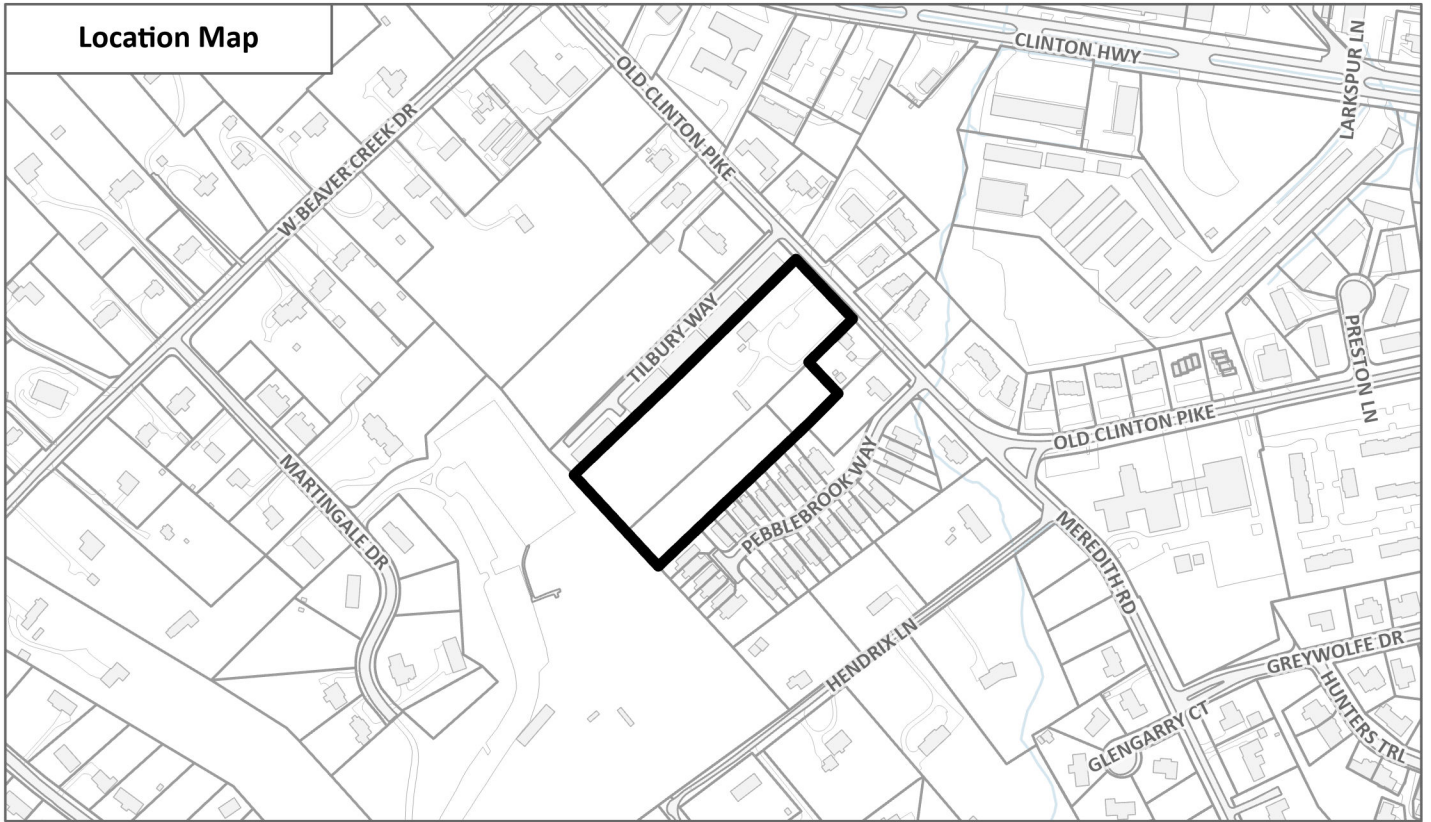
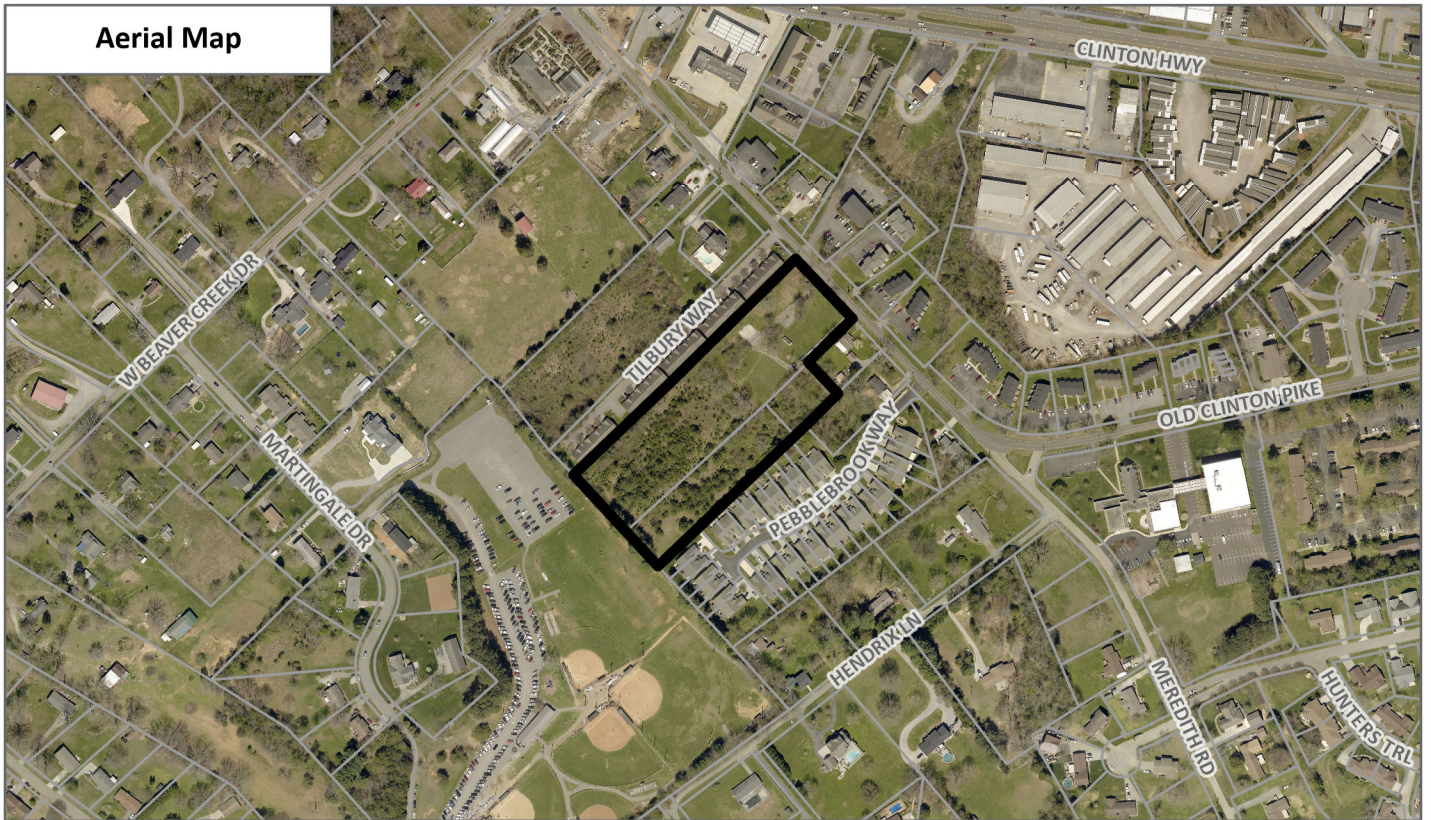


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

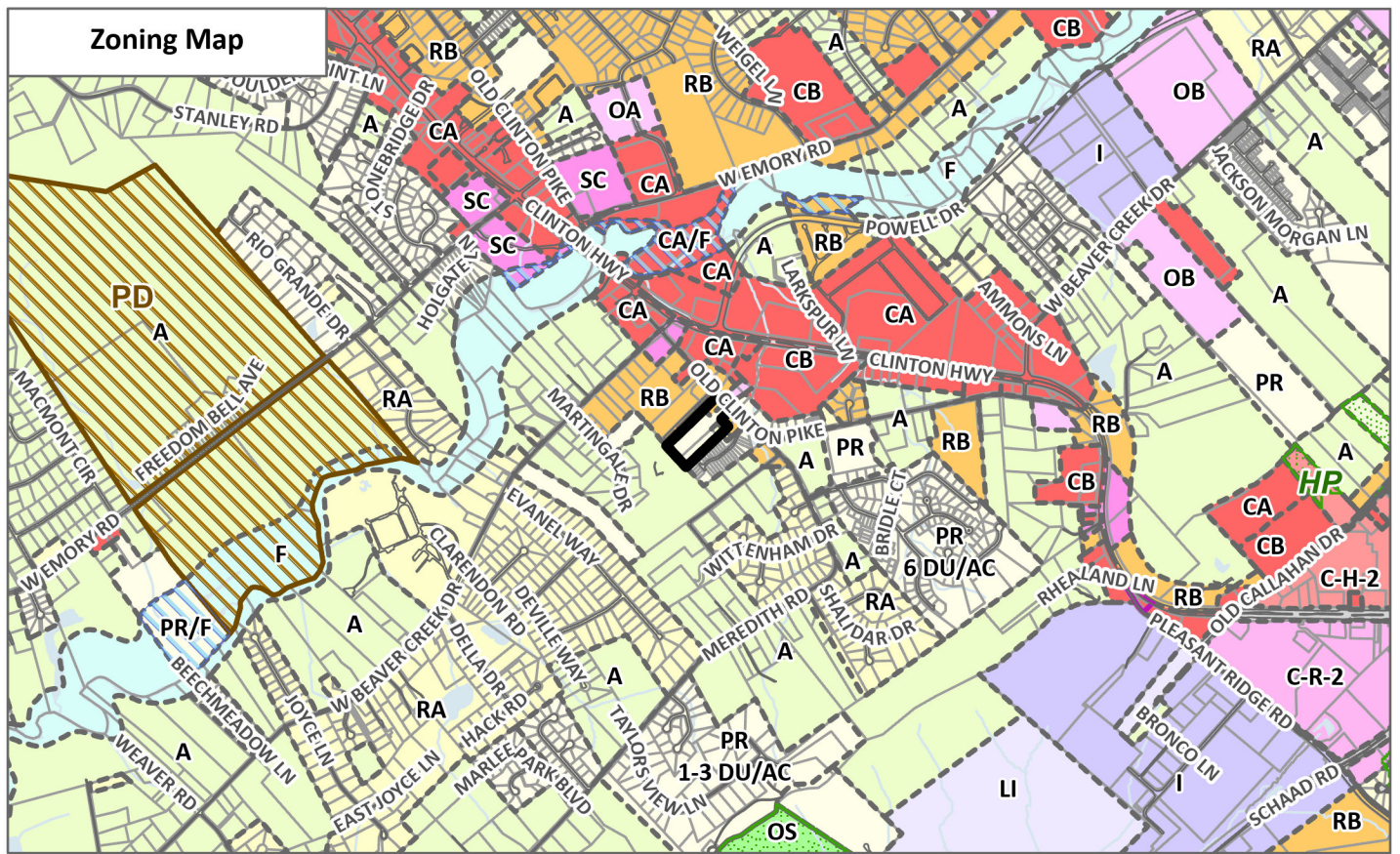
12-C-23-RZ



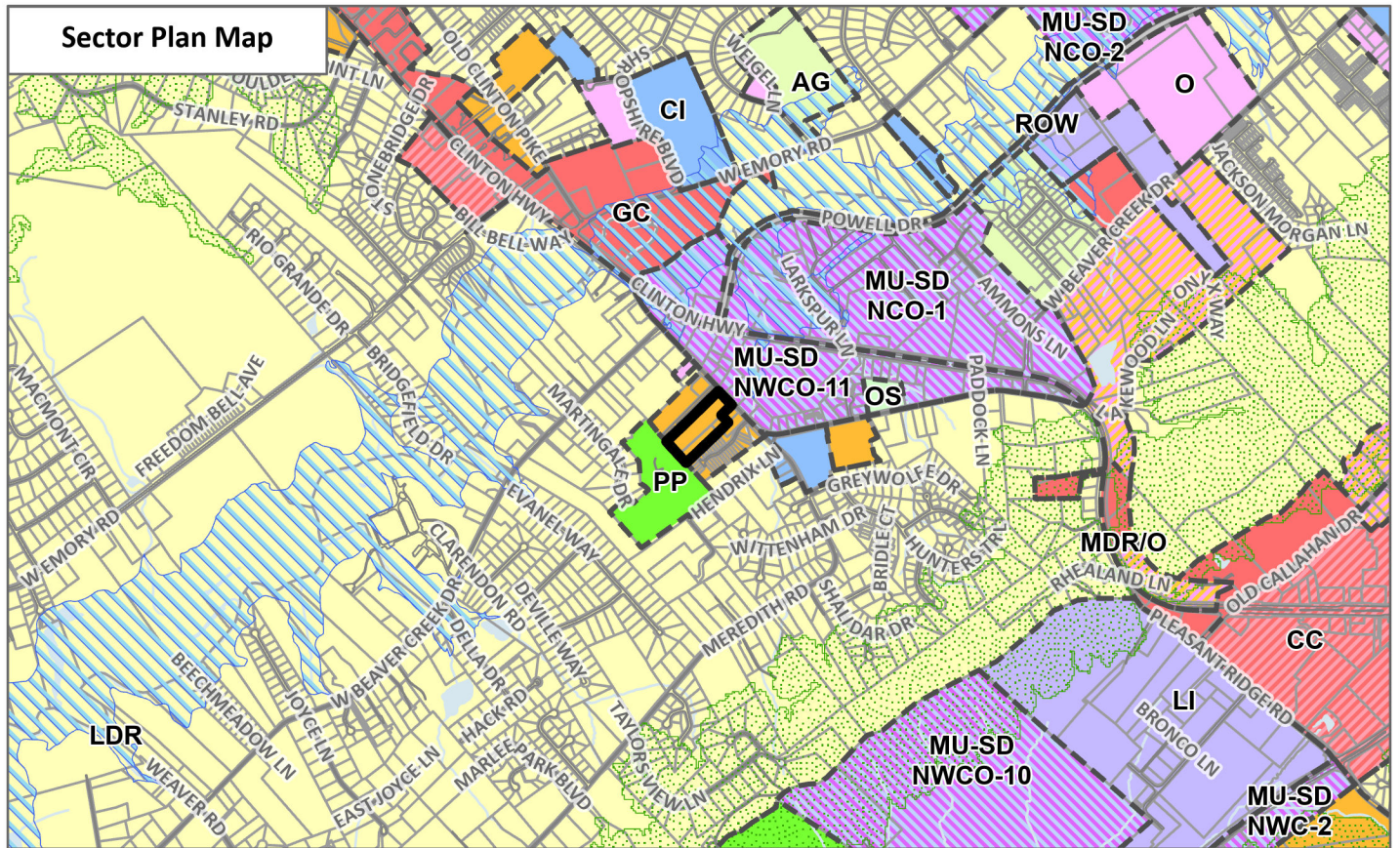
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

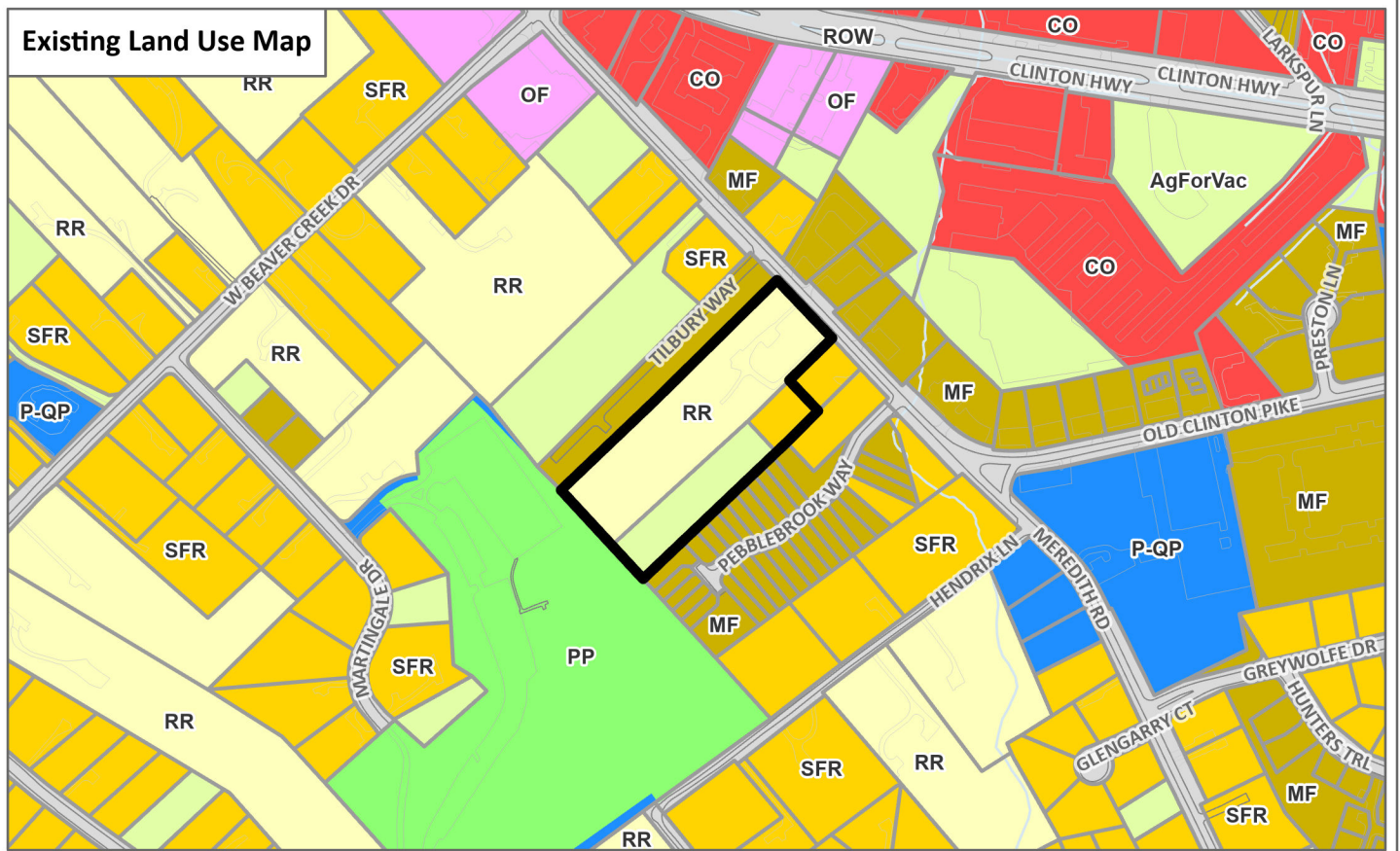
12-C-23-RZ



Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

12-C-23-RZ



Case boundary





Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Jenkins Builders

Applicant Name Affiliation

10/26/2023 **1/11/2024** **12-C-23-RZ**
 Date Filed Meeting Date (if applicable) File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

David Harbin Batson, Himes, Norvell and Poe

Name / Company

4334 Papermill Dr. Dr. Knoxville TN 37909

Address

865-588-6472 / harbin@bhn-p.com

Phone / Email

CURRENT PROPERTY INFO

Gerry L. Neely **7512 Saint Baron Way Powell TN 37849**
 Owner Name (if different) Owner Address Owner Phone / Email

7311 7321, & 0 OLD CLINTON PIKE

Property Address

67 148 (part of) 67 147; 067 14801 **5.71 acres**
 Parcel ID Part of Parcel (Y/N)? Tract Size

Hallsdale-Powell Utility District **Hallsdale-Powell Utility District**
 Sewer Provider Water Provider Septic (Y/N)

STAFF USE ONLY

West side of Old Clinton Pike, north of Peddlebrook Way

General Location

City **Commission District 6** **A (Agricultural), RB (General Residential), PR (Planned Residential) up to 16 du/ac** **Single Family Residential, Rural Residential, Agriculture/Forestry/Vacant Land**

County District Zoning District Existing Land Use

Northwest County **MDR (Medium Density Residential)** **Planned Growth Area**
 Planning Sector Sector Plan Land Use Classification Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change PR (Planned Residential)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)

up to 12 du/ac

Proposed Density (units/acre)	Previous Zoning Requests
Additional Information Partial Rezoning	

STAFF USE ONLY

PLAT TYPE

Staff Review Planning Commission

ATTACHMENTS

Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)
- Design Plan Certification (Final Plat)
- Site Plan (Development Request)
- Traffic Impact Study
- Use on Review / Special Use (Concept Plan)

Fee 1	Total
\$650.00	
Fee 2	
Fee 3	

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	Jenkins Builders Please Print	10/26/2023 Date
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Phone / Email	Gerry L. Neely Please Print	10/26/2023 Date
Property Owner Signature		



NAMES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME MUST BE LISTED BELOW:

Please print or type in black ink.

NAME	ADDRESS	OWNER / OPTION
Jenkins Builders, Inc.	5328 Turtle Point Ln Knoxville, TN 37919	Owner



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - OYP
- Rezoning

Jenkins Builders
Applicant Name

option holder
Affiliation

10/25/23
Date Filed

12/14/23
Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Applicant Property Owner Option Holder Project Surveyor Engineer Architect/Landscape Architect

David Harbin
Name

Baton Homes Nowell, POC
Company

4334 Pepermill Dr.
Address

Knoxville
City

TN
State

37909
ZIP

865-588-6472
Phone

harbin@bhn-p.com
Email

CURRENT PROPERTY INFO

Gerry L. Neely
Property Owner Name (if different)

7512 Saint Barn Way
Property Owner Address

Powell TN 37849
Property Owner Phone

7311 Old Clinton PK
Property Address

671148
Parcel ID

HPUD
Sewer Provider

HPUD
Water Provider

N
Septic (Y/N)

STAFF USE ONLY

General Location _____ Tract Size _____

City County District _____ Zoning District _____ Existing Land Use _____

Planning Sector _____ Sector Plan Land Use Classification _____ Growth Policy Plan Designation _____

DEVELOPMENT REQUEST

- Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number _____

- Combine Parcels
 Divide Parcel

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST

Zoning Change

RB
Proposed Zoning

Pending Plat File Number

Plan Amendment Change

Proposed Plan Designation(s)

Proposed Density (units/acre)

N/A

Previous Rezoning Requests

none known

Other (specify) _____

STAFF USE ONLY

PLAT TYPE

- Staff Review
 Planning Commission

ATTACHMENTS

- Property Owners / Option Holders
 Variance Request

ADDITIONAL REQUIREMENTS

- Design Plan Certification (*Final Plat*)
 Use on Review / Special Use (*Concept Plan*)
 Traffic Impact Study
 COA Checklist (*Hillside Protection*)

Fee 1	Total
Fee 2	
Fee 3	

AUTHORIZATION

- I declare under penalty of perjury the foregoing is true and correct:
 1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

David Harbon

Applicant Signature

David Harbon

Please Print

10/25/23

Date

588-6472

Phone Number

harbon@bhn-p

Email

[Signature]

Property Owner Signature

James Jenkins

Please Print

Date Paid

REAL ESTATE SALES CONTRACT

THIS AGREEMENT entered into by and between Gerry and Cynthia Neely and Betty Neely (Grantors), and Jenkins Builders Inc. (Grantees);

WITNESSETH:

FOR GOOD AND VALUABLE CONSIDERATION, receipt and sufficiency of which is hereby acknowledged, and for the sum of Three Thousand (3,000⁰⁰) down payment and deposit, Grantors do hereby agree to sell and Grantees agree to purchase certain real property in the 6th Civil District of Knox County, Tennessee, being described as all of 7321 Old Clinton Pike - Parcel 067147 as shown in map of record in CLT Map 67 and Deed Book _____, Page _____, in the Register's Office for Knox County, Tennessee, subject to all restrictions thereon.

The purchase price shall be a total of _____ dollars (\$ _____), and the Three Thousand (\$ 3,000⁰⁰) down payment and deposit paid simultaneously with the execution of this contract shall constitute a credit toward the total purchase price.

The parties hereto agree that upon the payment of the total purchase price by Grantees to Grantors, said payment being made within 60 days, from the date hereof, Grantors shall deliver to Grantees a Warranty Deed conveying title to said property to Grantees.

Property taxes will be prorated as of date of closing.

OTHER TERMS: Includes all of 7321 Old Clinton Pike - 4 Acres
1) Total Sales Price to be _____ per acre based on calculated acreage

This is the entire agreement between the parties hereto and any alterations, amendments, additions, or deletions shall be binding on the parties only when in writing signed by all parties to this original agreement.

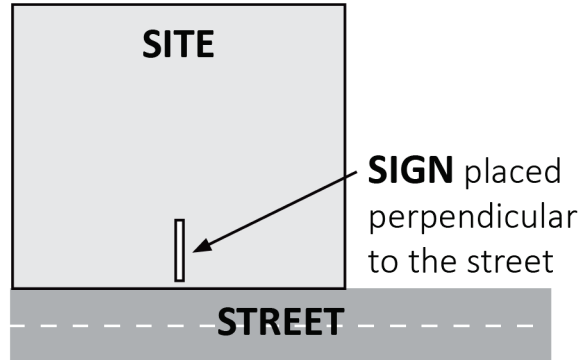
Gerry Neely 10-3-23
Grantor Date

[Signature] 10-3-23
Grantee Date

Cindy Neely by [Signature]
Grantor Date PDF

Grantee Date

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ and _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Jenkins Builders

Date: 10/26/2023

File Number: 12-C-23-RZ

- Sign posted by Staff
- Sign posted by Applicant